IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

OP.No. 28662 of 1999(K)

PETITIONER:

HINDUSTAN PAPER CORPORATION
EMPLOYEES ASSOCIATION
(INTUC AFFLIATION NO.6115)
REG.NO. 137/79 NEWS PRINT NAGAR
KOTTAYAM, REPRESENTED BY ITS
GENERAL SECRETARY R. CHANDRASEKHARAN

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. DEPUTY REGISTRAR OF TRADE UNION
TRIVANDRUM

2. HINDUSTAN NEWS PRINT LTD.
REPRESENTED BY ITS DEPUTY GENERAL MANAGER (P &A)
VELLOOR

3. C.M.CHITHARANJAN ,
JOINT LABOUR COMMISSIONER (RTD)
GIRINAGAR, COCHIN-16

4. T.C.GOPIDAS, SR.OPERATOR
UTILITY DEPARTMENT
HINDUSTAN NEWSPRINT LTD, VELLOOR

BY ADV. SMT.AYSHA YOUSEFF
SRI.S.MOHAMMED AL RAFI
SRI.ANTONY DOMINIC
SRI.E.K.NANDAKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P. 28662/1999 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: Letter from INTUC dated 17-4-1997 showing list of office bearers of petitioner

Ext.P2: Certificate issued by 1st respondent dated 8-11-1999 showing the name of office bearers

Ext.P3: Letter from petitioner to 2nd respondent on the issue of referendum dated 11-11-1999

Ext.P4: Judgment of Munsiff's Court dated 5-9-1991 in O.S. No.274/90

Ext.P5: Draft minutes of joint discussion held by the R.J.L.C on 3-4-90 and 28-4-1990

Ext.P6: Letter from Deputy Registrar of Trade Unions to 2nd respondent dated 13-7-1998

RESPONDENTS' EXHIBITS

Ext.R2(a) : Copy of Circular dated 25-7-1990 issued by the 2nd respondent

Ext.R2(b): Copy of letter dated 6-1-1994 of the 2nd respondent

Ext.R2(c): Copy of circular dated 11-12-1996 issued by the 2nd respondent

Ext.R2(d) : Copy of letter dated 9-11-1999 from the 1st respondent

Ext.R2(e) : Copy of letter dated 14-3-1990 from the Labour Commissioner

Ext.R4(a) True copy of the Circular No.HNL/IR/188 dated 25-7-1990 issued by the 2nd respondent

Ext.R4(b) True copy of the Circular No.HNL/IT/188 dated 10-12-1993 issued by the 2nd respondent

Ext.R4(c) : True copy of the Circular No.HNL/IR/23 dated 11-12-1996 issued by the 2nd respondent

Ext.R4(d) : True copy of the annual returns for the period 1998-1999 submitted by the 4th respondent before the Registrar of Trade Union dated 24-4-1998

Ext.R4(e) : True copy of the letter No.B2-227780/99 dated 9-11-1999 send by the 1st respondent to the 2nd respondent

//True copy//

KURIAN JOSEPH, J.

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O.P. No. 28662 OF 1999

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Dated this the 20th February, 2007

J U D G M E N T

Writ Petition apparently survives only in respect of prayers 'a' and 'b', which read as follows:

> *"a) Issue a writ of mandamus directing the 1st respondent to hear the petitioner, before issuing any certificate to the 4th respondent or his nominees, in respect of Returns/applications pertaining to the Hindustan Paper Corporation Employees Association.*
>
> *b) Direct 3rd respondent to permit only registered and authentic trade unions represented by the office bearers duly recognised by the Deputy Registrar of Trade Unions to participate in the referendum to be held by him."*

2. It is for the petitioner to approach the first respondent, in which case, the first respondent will consider the matter expeditiously.

Original Petition is disposed of as above.

KURIAN JOSEPH,
JUDGE.

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KURIAN JOSEPH, J.

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O.P. No. 28662 OF 1999

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Dated this the 20th February, 2007

J U D G M E N T